

REMARKS/ARGUMENTS

The Office Action mailed March 18, 2008 has been carefully considered. Within the Office Action Claims 1, 3-10, 12, 13, 19, 21-26 and 28-31 have been rejected. The Applicants have amended Claims 1, 10, 26 and 31 and have cancelled Claims 6-9, 19, and 21-25. The Applicants reserve the right to further pursue the cancelled claims in a continuation and/or divisional application as well as for appeal purposes. Reconsideration in view of the following remarks is respectfully requested.

Information Disclosure Statement

The Applicants had previously filed an Information Disclosure Statement (IDS) with the USPTO on June 14, 2007. However, it does not appear that in the present Office Action that the references cited in the IDS were considered. Thus, the Applicants hereby request acknowledgement of the IDS filed June 14, 2007. A copy of the previously filed IDS is submitted herein along with the present Reply.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1, 3-10, 12, 13, 19, 21-26 and 28-31 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regards as the invention. This rejection is respectfully traversed.

Under M.P.E.P. 2173.02, in reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice

function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In determining definiteness, the examiner should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement. M.P.E.P. 2173.02

With regard to “receiving an input signal” in Claim 1, Applicants respectfully disagree but have amended Claim 1 to be even more clear. Withdrawal of the rejection is respectfully requested.

With regard to “associated or associating,” these terms are generally accepted to be definite. In addition, in light of the specification and common sense, one skilled in the art would realize that the signal is associated with the actuation of one or more user-interface members.

Accordingly, the terms are indeed definite and withdrawal of the rejection is respectfully requested.

With regard to “program code,” the preamble of Claim 10 recites computer-readable medium on which is encoded a program code, which serves as the antecedent basis for the subsequent element. Accordingly, withdrawal of the rejection is respectfully requested.

With regard to the rejections in Claim 26, the phrases at issue have been cancelled. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection under U.S.C. § 102

Claims 1, 3-10, 12, 13, 19, 21-26 and 28-31 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0177471 to Kaaresoja et al. (hereinafter “Kaaresoja”). The Applicants respectfully traverse.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Applicants’ specification describes in an embodiment a handheld communication device such as a mobile phone that is configured to allow a user to include haptic information or a haptic code in an outgoing communication signal, e.g., carrying a voice call, an e-mail, or a message. The haptic code is configured to cause a haptic effect to be output when the communication signal is delivered to another handheld communication device. Applicants’ specification describes that the haptic code can distinctly identify the sender of the message such that the receiver knows the identity of the sender just from the haptic effect output (Specification, Paragraphs 0028; 0034; 0041).

In contrast, Kaaresoja describes a mobile phone that sends and receives tactile icons, which are vibration patterns, indicative of a message desired to be communicated between users of such mobile phones. The mobile phone includes a vibratory device that produces a tactile sensation in response to control signals issued by a controller when a message having the tactile icon is received. (Kaaresoja, Abstract). In contrast to the claimed subject matter, there is no teaching or suggestion in Kaaresoja that the haptic code is used to output a haptic effect which corresponds to and distinctly or specifically identifies the transmitter of the signal. In other words, Kaaresoja does not teach or suggest that a tactile icon sent from an originator actually informs the receiver of the tactile icon as to the identity of the originator. Instead, all that Kaaresoja mentions is that the different types of vibration patterns may be sent from the source. Accordingly, the office action fails to establish that Kaaresoja discloses each and every element/limitation in Claims 1, 10 and 26. Accordingly, Claims 1, 10, and 26 are distinguishable over Kaaresoja and withdrawal of the rejection is respectfully requested.

Claims 3, 4, 5, 12, 13, and 28-31 are dependent on respective Independent Claims 1, 10 and 26. As stated above, Claims 1, 10, and 26 are allowable over Kaaresoja. Accordingly, Claims 3, 4, 5, 12, 13, and 28-31 are allowable for being dependent on allowable base claims.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
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Dated: June 16, 2008

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